

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

CHARLES REGINALD SWADER

Debtor.

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CASE NO. 3:17-bk-03663

CHAPTER 13

JUDGE RANDAL S. MASHBURN

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 5/7/2020  
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 5/20/2020, AT 8:30 A.M.  
IN COURTROOM 1, SECOND FLOOR, CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE,  
TENNESSEE 37203.**

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**NOTICE OF MOTION TO MODIFY PLAN  
TO TEMPORARILY SUSPEND CHAPTER 13 PLAN PAYMENTS  
DUE TO IMPACT OF COVID-19 FOR A PERIOD OF 60 DAYS**

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Charles Reginald Swader has asked the court for the following relief: to temporarily suspend chapter 13 plan payments due to impact of COVID-19 for a period of 60 days.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: April 15, 2020

/s/ Alise Housden

Alise Housden, TN BPR #34282

Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

CHARLES REGINALD SWADER

Debtor.

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CASE NO. 3:17-bk-03663

CHAPTER 13

JUDGE RANDAL S. MASHBURN

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**MOTION TO MODIFY PLAN  
TO TEMPORARILY SUSPEND CHAPTER 13 PLAN PAYMENTS  
DUE TO IMPACT OF COVID-19 FOR A PERIOD OF 60 DAYS**

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Comes Charles Reginald Swader, by and through counsel, and hereby moves this court for an order temporarily suspending chapter 13 plan payments for a period of 60 days. In support of the motion, movant would show the following:

1. The Debtor's income has been impacted by the COVID-19 pandemic. *Please see the attached statement by the Debtor.*
2. Debtor is a truck driver at Venture Express.
3. Debtor's employer has closed to help prevent the spread of the virus.
4. Debtor is not aware of how long the impact will last or when he may return to work.
5. The Debtor has applied for unemployment but is not yet aware of the amount or if they will receive benefits.
6. Despite Debtor's best efforts, funding of the plan will leave the Debtor without sufficient income to meet necessary living expenses.
7. This suspension will allow the plan to complete within 60 months.
8. Debtor proposes:
  - a. The plan payments be suspended for 60 days beginning upon the filing of the Motion suspending Chapter 13 Plan payments.
  - b. During the period of suspension, the Trustee refund to the Debtor any funds received.

- c. After the period of suspension, plan payments remain at \$168.25 weekly.
- d. The guaranteed minimum dividend to allowed unsecured claim remain at 20%.
- e. After the period of suspension, the Debtor make all future payments in accordance with the confirmed Chapter 13 plan.

WHEREFORE, PREMISES CONSIDERED, Charles Reginald Swader prays for an order temporarily suspending chapter 13 plan payments for a period of 60 days beginning with the filing of this motion.

Respectfully submitted,

/s/Alise Housden  
Alise Housden TN Bar# 034282  
Long, Burnett & Johnson, PLLC  
302 42<sup>nd</sup> Avenue North  
Nashville, TN 37209  
T: 615-386-0075  
F: 615-864-8419  
ecfmail@tennessee-bankruptcy.com

*Attorney for Debtor*

# PROPOSED ORDER

## IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

CHARLES REGINALD SWADER

Debtor.

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CASE NO. 3:17-bk-03663

CHAPTER 13

JUDGE RANDAL S. MASHBURN

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### ORDER MODIFYING PLAN TO TEMPORARILY SUSPEND DEBTOR'S CHAPTER 13 PLAN PAYMENTS FOR A PERIOD OF 60 DAYS

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Upon consideration of Debtor's Motion to Suspend Chapter 13 Plan Payments due to impact of COVID-19, it appears to the Court that notice of said motion pursuant to LBR 9013 has been given. It further appears to the Court no objections, responses or otherwise have been filed within the twenty-one (21) day response period. It is therefore:

ORDERED that the Debtor's Chapter 13 plan payments be suspended for a period of 60 days beginning on the date the Motion was file due to the impacts of COVID-19. It is further

ORDERED that the Chapter 13 Trustee shall refund any funds received to the Debtor during the period of suspension. It is further

ORDERED that after the period of suspension, the plan payments remain at \$168.25 weekly. It is further

ORDERED that the guaranteed minimum dividend payable to the general unsecured creditors and the treatment of all secured creditors shall remain at 20%. It is further

ORDERED that it is the obligation of the Debtor to make all future payments after the expiration of this temporary suspension in accordance with the confirmed Chapter 13 plan.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE TOP  
OF THE FIRST PAGE

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Approved For Entry By:

/s/Alise Housden

Alise Housden TN Bar# 034282  
Long, Burnett & Johnson, PLLC  
302 42<sup>nd</sup> Avenue North  
Nashville, TN 37209  
T: 615-386-0075  
F: 615-864-8419  
ecfmail@tennessee-bankruptcy.com

*Attorney for Debtor*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

CHARLES REGINALD SWADER

Debtor.

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CASE NO. 3:17-bk-03663

CHAPTER 13

JUDGE RANDAL S. MASHBURN

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**STATEMENT OF DEBTOR**

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Debtor, Charles Reginald Swader, states the following is true to the best of my knowledge, information, and belief:

1. I am currently employed at Venture Express, a trucking company in Smyrna, Tennessee, as a Truck Driver.
2. Due to the impacts of Covid-19, my employer has shut down until further notice.
3. I have applied for unemployment assistance.
4. I do not know the amount of any unemployment I may receive.
5. I do not know when I may be able to return to work.

I declare under penalty of perjury that the prior statements are true and correct.

Executed on: 4/14/2020

/s/ CHARLES REGINALD SWADER  
CHARLES REGINALD SWADER (*Debtor*)

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE

IN RE: CHARLES REGINALD SWADER

CASE NO: 3:17-bk-03663

**DECLARATION OF MAILING  
CERTIFICATE OF SERVICE**

Chapter: 13

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On 4/15/2020, I did cause a copy of the following documents, described below,

Debtor's Motion to Modify Plan to Temporarily Suspend Payments Due to Impact of Covid-19 for a Period of 60 Days

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R. Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 4/15/2020

Total Mailings: 30 @ \$1.00 per mailing = \$30.00

/s/ Jon Daniel Long

Jon Daniel Long 31211  
Long, Burnett, and Johnson, PLLC  
302 42nd Ave. N  
Nashville, TN 37209-0000  
615 386 0075

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE

IN RE: CHARLES REGINALD SWADER

CASE NO: 3:17-bk-03663

**CERTIFICATE OF SERVICE  
DECLARATION OF MAILING**

Chapter: 13

On 4/15/2020, a copy of the following documents, described below,

Debtor's Motion to Modify Plan to Temporarily Suspend Payments Due to Impact of Covid-19 for a Period of 60 Days

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document (s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 4/15/2020



Jay S. Jump  
BK Attorney Services, LLC  
d/b/a certificateofservice.com, for  
Jon Daniel Long  
Long, Burnett, and Johnson, PLLC  
302 42nd Ave. N  
Nashville, TN 37209-0000



PARTIES DESIGNATED AS "EXCLUDE" WERE NOT SERVED VIA USPS FIRST CLASS MAIL  
PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING  
06503  
CASE 3-17-BK-03663  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE  
WED APR 15 12-46-24 CDT 2020

JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

CM/ECF E-SERVICE  
PRA RECEIVABLES MANAGEMENT LLC +  
PO BOX 41021  
NORFOLK VA 23541-1021

~~EXCLUDE~~

~~701 BROADWAY ROOM 170  
NASHVILLE TN 372033979~~

BARCLAYS BANK DELAWARE  
100 S WEST ST  
WILMINGTON DE 19801-5015

BELDEN JEWELERSSTERLING JEWELERS INC  
ATTN BANKRUPTCY  
PO BOX 1799  
AKRON OH 44309-1799

CAPITAL ONE  
ATTN BANKRUPTCY  
PO BOX 30253  
SALT LAKE CITY UT 84130-0253

CARDWORKSCW NEXUS  
ATTN BANKRUPTCY  
PO BOX 9201  
OLD BETHPAGE NY 11804-9001

CITIBANK NORTH AMERICA  
CITICORP CREDIT SRVSCENTRALIZED  
BANKRUP  
PO BOX 790040  
SAINT LOUIS MO 63179-0040

CITIBANK NA  
CO QUANTUM3 GROUP LLC  
PO BOX 280  
KIRKLAND WA 98083-0280

COMENITY BANKVICTORIA SECRET  
ATTN BANKRUPTCY  
PO BOX 182125  
COLUMBUS OH 43218-2125

FINANCIAL DATA SYSTEMS  
ATTN MANAGING OFFICERAGENT  
1638 MILITARY CUTOFF RD  
WILMINGTON NC 28403-5751

FIRST PREMIER BANK  
601 S MINNEAPOLIS AVE  
SIOUX FALLS SD 57104

IRS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

INSOLVE AUTO FUNDING LLC CO CAPITAL  
RECOVE  
DEPT 3403  
PO BOX 123403  
DALLAS TX 75312-3403

INSOLVE RECOVERY LLC CO CAPITAL  
RECOVERY GR  
DEPT 3203  
PO BOX 123203  
DALLAS TX 75312-3203

LVNV FUNDING LLC ITS SUCCESSORS AND  
ASSIGNS  
ASSIGNEE OF GLC TRUST 20153  
RESURGENT CAPITAL SERVICES  
PO BOX 10587  
GREENVILLE SC 29603-0587

LVNV FUNDING LLC ITS SUCCESSORS AND  
ASSIGNS  
PO BOX 10587  
GREENVILLE SC 29603-0587

LENDING CLUB CORP  
71 STEVENSON ST  
SUITE 300  
SAN FRANCISCO CA 94105-2985

MERRICK BANK  
RESURGENT CAPITAL SERVICES  
PO BOX 10368  
GREENVILLE SC 29603-0368

MIDLAND FUNDING LLC  
PO BOX 2011  
WARREN MI 48090-2011

PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

PREMIER BANKCARD LLC  
JEFFERSON CAPITAL SYSTEMS LLC ASSIGNEE  
PO BOX 772813  
CHICAGO IL 60677-2813

PROSPER MARKETPLACE INC  
101 2ND ST FL 15  
SAN FRANCISCO CA 94105-3672

QUANTUM3 GROUP LLC AS AGENT FOR  
MOMA FUNDING LLC  
PO BOX 788  
KIRKLAND WA 98083-0788

REGIONAL MANAGEMENT CORPORATION  
979 BATESVILLE ROAD SUITE B  
GREER SC 29651-6819

STERLING JEWELERS INC DBA KAY JEWELERS  
CO WELTMAN WEINBERG REIS CO LPA  
436 SEVENTH AVENUE STE 2500  
PITTSBURGH PA 15219-1842

PARTIES DESIGNATED AS "EXCLUDE" WERE NOT SERVED VIA USPS FIRST CLASS MAIL  
PARTIES WITH A '+' AND DESIGNATED AS "CM/ECF E-SERVICE" RECEIVED ELECTRONIC NOTICE THROUGH THE CM/ECF SYSTEM

SYNCELECTRONICS EXPR  
PO BOX 965064  
ORLANDO FL 32896-5064

SYNCHRONY BANK JC PENNEYS  
ATTN BANKRUPTCY  
PO BOX 956060  
ORLANDO FL 32896-0001

SYNCHRONY BANKSAMS  
ATTN BANKRUPTCY  
PO BOX 965060  
ORLANDO FL 32896-5060

SYNCHRONY BANKWALMART  
ATTN BANKRUPTCY  
PO BOX 956060  
ORLANDO FL 32896-0001

CM/ECF E-SERVICE  
US TRUSTEE +  
OFFICE OF THE UNITED STATES TRUSTEE  
701 BROADWAY STE 318  
NASHVILLE TN 37203-3966

VITAL RECOVERY SERVICES INC  
PO BOX 923748  
NORCROSS GA 30010-3748

DEBTOR  
CHARLES REGINALD SWADER  
654 WADE RD  
MURFREESBORO TN 37130-7734

CM/ECF E-SERVICE  
HENRY EDWARD HILDEBRAND III +  
OFFICE OF THE CHAPTER 13 TRUSTEE  
PO BOX 340019  
NASHVILLE TN 37203-0019

~~EXCLUDE~~  
~~JON DANIEL LONG +~~  
~~LONG BURNETT JOHNSON PLLC~~  
~~302 42ND AVE NO~~  
~~NASHVILLE TN 37203-3602~~